

# Hearings on Religious Freedom in India and Pakistan: Professor Mumtaz Ahmad Oral Testimony

September 18, 2000

Professor Mumtaz Ahmad

Hampton University

PROFESSOR AHMAD: Thank you very much, Mr. Chairman and distinguished members of the Commission.

I'm thankful for the opportunity to appear before this Commission to share my views on the question of religious freedom in Pakistan. I will confine my remarks to describing the social, religious and political context so as to better understand the state of religious freedom and the status of minorities in Pakistan. I'll have something to say at the end of my presentation about the prospects of religious freedom under the new military regime.

The Islamic Republic of Pakistan, with a population of about 140 million, is the second-largest Muslim nation in the world. With about 97 percent Muslim population, its non-Muslim minorities include Christians, Hindus, Farsis and Ahmadiyyas. Among the Muslims, between 12 to 15 percent begin to the Shia sect.

Pakistan, which came into being as a result of the partition of British India in 1947, is unique among the Muslim countries with regard to its relationship with Islam. It was the only Muslim country which was established in the name of Islam, and hence, its subsequent political experience is integrally related to its Islamic identity.

Pakistan's founding fathers saw Pakistan as a progressive Muslim nation with democracy and pluralism as its foundational principles. Their vision of Pakistan as an Islamic state was constitutive more of Islamic ideals of justice, equality and brotherhood rather than the specifics of Shariya. Building an Islamic state for them as well as for the Muslim masses was, thus, synonymous with building a just and moral society.

Although Pakistan from the very beginning faced certain critical problems of economic, political and ethno-regional origins which shaped its subsequent political developments and engendered its chronic political instability, one issue that has generated maximum political conflicts and social tensions is the role of Islam in politics and the state.

The controversy on the nature of an Islamic political system and its concrete manifestation in the constitutional structure and socioeconomic policies of the state often took the form of fierce confrontation, sometimes violent, between the state and the organized religious groups and among the religious groups themselves.

As is well-known, Pakistan's rulers have made extensive use of Islam as a means of legitimizing their power. The fact that many of these rulers came to power through extraconstitutional means and lacked legal legitimacy made them more dependent on Islam as a handy source of legitimacy. This instrumental use of Islam at the level of the state created an environment at the level of civil society in which the religious groups could claim an equal legitimacy to use Islam for their own particularistic, sectarian purposes.

The qualitative change in Pakistan's politics came during the rule of Mr. Zulfikar Ali Bhutto [ph]. His rise to power parallels with the rise of the political influence of the religio-political groups in Pakistan. His own contribution toward the religionization of public life took two forms. With his socialist rhetoric, he provoked strong reaction among the religious groups and awakened them to the need to organize and fight back against what they perceived as an anti-Islamic turn in state policies. But more importantly, in substantive policies, he chose not to resist their pressures and gave in easily to almost all of the religious demands in order to appease them.

The ultimate turnaround came when the secular Bhutto agreed to amend the constitution to declare Ahmadis as non-Muslim, a demand that was earlier rejected in 1953 by a devout Muslim prime minister. Although the Islamic measures introduced by Bhutto were peripheral to the core of the socioeconomic policies, their impact on subsequent Islamic developments was quite significant and far-reaching.

By making Islam as the state religion; by incorporating extensive Islamic provisions in the 1973 Constitution and by declaring the Ahmadis as non-Muslims, Bhutto helped raise the expectations of the religious parties and prepared the ground for a full-grown movement for Islamization during the Zia regime.

Coming in the wake of worldwide Islamic resurgence, General

Zia's Islamization measures were much more substantive than the Islamic reforms introduced by earlier regimes. Working closely with the Ullama [ph] and the organized religious groups, Zia created a network of state-sponsored legal and institutional structures to translate the Shariya norms into public policies.

The most important among them were the penal laws with specific Islamic punishment; the law of evidence, which discriminated against the minorities and women; and the laws targeted against the Ahmadiyyas. What was even more important from the point of view of religious freedom was the general sociopolitical and religious climate that created a fertile ground for religious divide, sectarianism, intolerance of religious dissent and hostility toward religious minorities.

The introduction of Shariya law brought to the surface the old doctrinal and juristic differences between the Shias and Sunnis. Thus, the question as to which interpretation of the Islamic laws should form the basis of public policy became a major source of conflict between the Shia and Sunni Ullama [ph] on the one hand and also among the different schools of Sunnis on the other.

These controversies have caused frequent violent incidents and assassination of dozens of prominent Shia and Sunni leaders. The sectarian politics as a legacy of the Zia period has also given rise to extremist religious groups killing each other's members even in places of worship and also to the mobilization of Madrasa [ph] students as militant arms of these extremist groups.

The mobilization of a broad spectrum of religious groups by the Zia regime during the Afghan war further strengthened the political power and the material resource base of these religious groups, with funds and weapons being supplied to them from both domestic as well as external sources.

Coupled with this religious militancy and increasingly intolerant socio-religious climate, decades of military rule and misrule by the civilian governments further aggravated the situation of political instability, economic mismanagement and rampant political and economic corruption, creating a crisis of governability; the near collapse of state institutions and the breakdown of law and order.

All of these factors have made the already fragile political system more vulnerable to pressures from the extremist religious groups. Although the extremist religious groups that tend to harass the religious minorities, especially the Ahmadiyyas, remain marginal, their capacity to coerce the local authorities to concede to their demands by

creating an emotionally explosive religious situation remains considerable. Much of what happens to religious minorities, from harassment to violence, is either initiated by the citizens taking law into their own hands, or it takes place as a result of the collision between the militant religious elements and the local authorities and not as a result of state policy.

In general, the higher state authorities and the higher judiciary in Pakistan have been quite sensitive to the needs of protecting the life, liberty and property of religious minorities. Thus, none of the punishments under the blasphemy law handed out by the lower courts have been upheld by the higher judiciary so far.

As for the prospects for religious freedom under the new regime, after Parvez Musharraf, there are sufficient grounds to believe that the situation is likely to improve considerably. In terms of religious orientation, the General is probably the most liberal ruler in Pakistan's history. However, as was evident from his backtracking on some procedural changes in the blasphemy law, he is not likely to do anything that will provoke a strong negative reaction from the religious groups.

He will tread cautiously on Islamic grounds and will not allow Islam to become a political issue while he is busy cleaning up the political and economic mess created by the previous regimes. On the contrary, he may have to solicit political support from the religious groups when faced with formidable challenge from the secular opposition.

It is therefore difficult to imagine that General Musharraf, even if he wants to do so, will ever try to dismantle the legal institutional structures seen as discriminatory by the minorities. Not legislating Islamic laws is only be a negligent Muslim. But abrogating these laws once they have been legislated is a blasphemy and will promote the wrath of the religious groups which a military regime already faced with a crisis of legitimacy can hardly afford.

What we can expect from the General, however, is to ignore the implementation of discriminatory laws or to slow-motion them, making them the moral equivalent of blue laws. After all, there is a blasphemy law on the statute book in the United Kingdom, but when was the last time the Queen was pleased to use them?

The overall policy thrust of the military regime in Pakistan is liberal, progressive, nondiscriminatory and nonsectarian. In political culture beset with legacies of fanaticism, intolerance and violence, General Musharraf is wise, of reason and moderation. If we

want to help him fortify democratic practices and at the same time deal effectively with the extremist groups that indulge in violence against religious minorities, we must strengthen the Pakistani State's economic base and its institutional capacity to maintain effective law and order.

An economically weak and internationally isolated Pakistan will be a more fertile ground for Talibanization. A weak state with collapsing institutions, dysfunctional apparatus and mounting debts cannot ensure its own survival, what to speak of protecting minorities?

Having said that, let me also point out some positive and encouraging trends at the level of civil society that promise a better future for religious freedom in Pakistan. First, the emergence in Pakistan during the past decade of a host of human rights organizations and the NGOs specifically concerned with the problems faced by the oppressive segments of society and with the issues of civil liberties and the rule of law is a welcome development.

These organizations are very active and alert and are able to mobilize the enlightened public opinion against the injustices committed against the minorities. They are also becoming increasingly effective in putting pressure on the state authorities to abide by the rule of law.

Second, the press in Pakistan today has never been freer in its entire history. A free press is likely to play an important role in promoting freedom and liberty and publicizing the instances of discrimination and injustices against the minorities. Third, the majority of Pakistan's citizens are becoming increasingly wary of Islam being used as an instrument of politics by the rulers and as a means to create divisions in society by the religious groups.

Another promising development in recent years has been the emergence of a liberal Islamic discourse that seeks to reaffirm the Islamic principles of tolerance, democracy, pluralism, civil liberties and rule of law from within the Islamic tradition. A new generation of Islamic thinkers is challenging the monopoly of the extremists on Islamic discourse and is articulating a more liberal and pluralist vision of an Islamic society and state.

I thank you very much for your attention.